

CONFIDENTIAL DATA:
FILE UNDER SEAL

Mahsa Parviz
P.O. Box #13900
#54652509
Seattle, WA 98198

Defendant



JUN 08 2023

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY
DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Case no. 2:23-cv-00755-RSL

Andrew G. Watters,
Plaintiff/Petitioner,
v.
Mahsa Parviz,
Defendant.

VERIFIED RULE 12 MOTION,
ANSWER, MOTION FOR
SANCTIONS UNDER RULE
11 AND/OR 28 U.S.C. § 1927,
AND REQUEST FOR PROTECTIVE
ORDER UNDER RULE 5.2(e)

I. Defendant presents the following defenses by motion
under Rule 12:

1. Lack of subject-matter jurisdiction;
2. Lack of personal jurisdiction;
3. Insufficient process;
4. Insufficient service;
5. Failure to state a claim upon which relief can be
granted;

VERIFIED RULE 12 MOTION, ANSWER, MOTION FOR SANCTIONS UNDER
RULE 11 AND/OR 28 U.S.C. § 1927, AND REQUEST FOR PROTECTIVE ORDER
UNDER RULE 5.2(e)

6. Failure to join a necessary party under Rule 19.

II. Defendant, after a reasonable investigation into the purported facts, has a good faith basis on which to categorically deny each and every allegation in Petitioner's Verified First Amended Complaint (Cr. 6), including the jurisdictional allegations, and hereby makes a general denial.

III. Alternatively, Defendant pleads the following affirmative defenses set forth in Rule 8(c), including:

1. Accord and satisfaction;
2. Assumption of risk;
3. Contributory negligence;
4. Duress;
5. Failure of consideration;
6. Fraud;
7. Illegality;
8. Injury by fellow servant;
9. Laches;
10. Payment;
11. Release;
12. Statute of frauds;
13. Statute of limitations;
14. Waiver;
15. Exemption under a statute or regulation;
16. Circuitous action;
17. Misuse;
18. Failure to exhaust state remedies;

19. Failure to exhaust administrative remedies;
20. Hinderance of contract;
21. Failure to mitigate damages;
22. Statutory limitations on damages.

IV. Petitioner believes Defendant is incompetent. Attached hereto as 'EXHIBIT A' is a true and correct copy of Andrew Watters' August 17, 2021 letter from Petitioner's law firm to Defendant. Petitioner, in his capacity as a duly licensed attorney in the State of California, has committed fraud on the Court and communicated this belief and other damaging beliefs to Defendant's other attorneys, prosecutors and psychiatrists in criminal and family law proceedings, including Cause Nos. 2:21-cr-00293-SB (DMGx), D-1-DC-21-900031, D-1-DC-21-900032, D-1-DC-19-900037, 469-30012-2018, and others. Petitioner, by and through this conduct, has worked a manifest injustice into the legal proceedings *supra*, tainting them and causing doubt as to their outcomes. As an attorney and officer of the Court, Petitioner knows or should know that he cannot sue an incompetent person and has, in violation of Rule 11 and this Court's Order to Show Cause (Cr. 5), presented frivolous claims to this Court for an improper purpose. Accordingly, Defendant moves this Court for an Order of Sanctions against Petitioner and Vexatious Litigant Determination. Defendant further moves this Court for sanctions under 28 U.S.C. § 1927, supported by a finding of subjective bad faith, and requests that Petitioner be ordered to personally satisfy the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct. Under 28 U.S.C. § 1927, court has

1 discretion to order sanctions for attorney's reckless
2 conduct and also has discretion to impose sanctions under
3 its inherent powers if it first makes finding of bad faith;
4 bad faith is present when recklessness is combined with additional
5 factor such as frivolousness, harassment, or improper
6 purpose. *Arroyo v. Cont'l Airlines, Inc.*, 173 Fed. Appx.
7 634 (9th Cir. 2006).

8 V. This petition and all subsequent filings must be sealed
9 pursuant to California Rules of Court § 5.552, California Welfare
10 & Institutions Code § 827 and the protective order issued in a
11 related case. Attached hereto as 'EXHIBIT B' is a true and
12 correct copy of the confidential Texas Vital Statistics
13 Unit confirmation of Defendant's parental rights to her
14 minor child, which is addressed to Petitioner and received
15 by him on September 10, 2021. Attached hereto as 'EXHIBIT
16 C' is a true and correct copy of the certified 2018 Order
17 regarding Defendant's minor child and Due Process violations.
18 Attached hereto as 'EXHIBIT D' is a true and correct
19 copy of Petitioner's April 28, 2021 letter to a Texas prosecutor
20 wherein Petitioner represents himself as Defendant's attorney
21 and attempts to negotiate the terms of a confidential
22 cooperation agreement. Attached hereto as 'EXHIBIT E' is a
23 true and correct copy of Austin Police Department Summary
24 Incident Report Number 2021-8003210, documenting the serious
25 threat to Defendant's life which will likely worsen without issuance
26 of a protective order sealing this case and prohibiting disclosure
27 under Rule 5.2(e). Attached hereto as 'EXHIBIT F' is
28 a true and correct copy of the docket of Case No.

D-1-DC-21-900031, wherein Defendant's former brother-in-law was granted a cooperation agreement and immunity on December 29, 2022 instead of Defendant, as a result of Petitioner's breach of fiduciary duty, negligence, fraud, misrepresentations and bad faith. Defendant requests this Court issue an additional Protective Order under Rule 5.2(e) to seal this matter and prohibit Petitioner and his agents from making further unlawful disclosures of any of the contents of his petition and subsequent filings in this matter.

Date: May 25, 2023


MAHSA PARVIZ

VERIFICATION AND CERTIFICATE OF SERVICE

I have read the foregoing document and certify that the facts stated therein are true and correct. On May 25, 2023, I gave notice and a copy of the foregoing document to Petitioner via U.S.P.S. certified mail and RRR number 7011150000197938427.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

Date: May 25, 2023


MAHSA PARVIZ

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JUN 08 2023
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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY



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Attn: Clerk (FILE UNDER SEAL IN
CAUSE NO. 2:23-cv-00755-RSL)
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TUE 06 JUN 2023 PM

